

UNITED STATES DISTRICT COURT
for the

Eastern District of Michigan

United States of America
v.

Kenneth George Zehnder

Case: 2:20-mj-30377

Judge: Unassigned,

Filed: 09-14-2020

Case No. USA v. SEALED MATTER(MLW)
(CMP)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Aug. 19, 2019, and July 2019-Aug. 2019 in the county of Sanilac and elsewhere in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

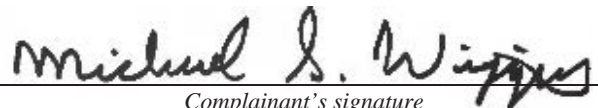
Offense Description

(Two Counts) 18 USC § 2423(a)

Transportation with intent to engage in criminal sexual activity

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Michael S. Wiggins, Special Agent (FBI)
Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: September 14, 2020

City and state: Detroit, Michigan


Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge
Printed name and title

AFFIDAVIT

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice (DOJ), currently assigned to the FBI's Detroit Division, Flint Resident Agency (FLRA). I have been so employed since March 2004. I am currently assigned as the Coordinator and a member of the Northeast Michigan Trafficking and Exploitation Crimes Task Force (NEMTEC). NEMTEC is a Federal Bureau of Investigation (FBI) managed task force with investigative members assigned from the Michigan State Police (MSP) and FBI. It was founded in 2012 as a computer crimes task force in the FBI's Bay City, Michigan, Resident Agency (BCRA) and expanded to include child exploitation crimes in 2013. It was renamed NEMTEC in 2017 and moved to FBI's Flint, Michigan, Resident Agency (FLRA). It is tasked with addressing Crimes Against Children and Human Trafficking threats in coordination and cooperation with its local and state partners within its area of responsibility (AOR). As such, I am an "Investigative or Law Enforcement Officer" of the United States within the meaning of 18 U.S.C. § 2510(7), and as an officer of the United States, I am empowered by law to conduct investigations of, and make arrests for, the offenses enumerated in 18 U.S.C. § 2516.

2. As part of my employment, I have received training in and been involved in investigations regarding drug trafficking, money laundering, threats, financial crimes, crimes involving gang related activities, child pornography, human trafficking and other violations of federal law.

3. This Affidavit is submitted in support of a complaint and arrest warrant for KENNETH GEORGE ZEHNDER. It is my opinion there exists probable cause to believe ZEHNDER has violated Title 18 U.S.C. § 2423(a) (Transportation with intent to engage in criminal sexual activity), the relevant portion of which states, in part, “[a] person who knowingly transports an individual who has not attained the age of 18 years in interstate...commerce...with intent that the individual engage...in any sexual activity for which any person can be charged with a criminal offense...” This Affidavit is intended to show only sufficient probable cause for the requested order and does not set forth all my knowledge about this matter. In addition, the information contained in this affidavit is based on personal knowledge and on reports made to me by other law enforcement officers.

4. On August 19, 2019, an identified, minor victim (MV1) texted the Ottertail County, Minnesota, Sheriff’s Dispatch center and reported she had been sexually assaulted in a semi-tractor-trailer truck (truck). MV1 provided a

description and an approximate location for the truck. Shortly thereafter, the truck was located and stopped. The driver of the truck was identified as ZEHNDER. MV1 was located in the sleeper cab portion of the truck, behind the driver's seat.

5. Following the traffic stop, MV1 was transported to a local hospital for an exam by a Sexual Assault Nurse Examiner (SANE). During the examination, several swabs for DNA evidence were collected, including vaginal and cervical swabs. These swabs were submitted to the Minnesota Department of Public Safety, Bureau of Criminal Apprehension, Forensic Science Laboratory, for comparison to DNA collected from ZEHNDER pursuant to a State of Minnesota search warrant. Subsequently, the lab issued a report stating the Y-chromosomal profile of the non-sperm cell fractions for the cervical and vaginal swabs matched ZEHNDER. The report further stated, "[n]either Kenneth George Zehnder nor any of his paternally related male relatives can be excluded as the contributor of this male DNA."

6. On August 20, 2019, MV1 was forensically interviewed. During the interview, MV1 provided details of the sexual assault, including a hand-written note detailing that ZEHNDER penetrated her vagina with his penis without her consent.

7. Subsequent investigation revealed the sexual assault occurred at a truck stop in Stearns County, Minnesota, in the District of Minnesota. This was corroborated by in-cab video obtained from Decker Trucking, ZEHNDER's employer. The report of the review of the videos obtained from Decker stated as follows:

I reviewed the video was able to see the truck pulling into the rest stop. Zehnder finished smoking and rolled up the window. Zehnder looked at the camera directly prior to turning off the truck. The video then skips to the cab being empty. Several videos show the semi-cab rocking back and forth slightly. This can be seen by the cables that are in view moving back and forth. I was also able to tell the trees were not blowing at the same time as this indicating the truck was not moving due to wind. At the end of the videos, Zehnder comes out of the back-sleeper area of the cab, faces away from the camera, and appears to be doing some [sic]to the front part of his pants. Zehnder also is pulling his pants up in the belt area as it was around the bottom portion of the buttocks area. In the videos, you are also able to see Zehnder zipping up his jeans zipper for the crotch area and then the semi-truck starts to pull out of the rest stop.

8. As a result of this investigation, ZEHNDER was charged in the State of Minnesota with Criminal Sex Conduct-1st Degree-Penetration-Victim 13-15 - Position of Authority [Minnesota Statute: 609.342.1(b), with reference to: 609.342.2(a)].

9. On August 21, 2019, another identified, minor victim (MV2), who was 12 years old, was forensically interviewed as a part of this investigation. In the interview MV2 revealed she had traveled with ZEHNDER in his truck to multiple states, including Iowa and Colorado. MV2 described ZEHNDER touching her vagina under her clothing in Colorado. She also described ZEHNDER digitally penetrating her vagina in Iowa.

10. Decker Trucking provided copies of Passenger Authorization forms for MV1 and MV2. The authorization form for MV1 authorized MV1 to travel with ZEHNDER from August 8, 2019, to August 31, 2019, and was signed by ZEHNDER. The authorization form for MV2 authorized MV2 to travel with ZEHNDER from August 19, 2019, to August 31, 2019, and was signed by ZEHNDER. An in-cab image obtained from Decker Trucking depicted ZEHNDER and MV2. The image was time-stamped on August 2, 2019 at approximately 4:50 p.m., and showed a location near Cunningham, Kansas. Another image provided by Decker Trucking similarly depicted ZEHNDER and MV2. This image was time-stamped on July 29, 2019 at approximately 7:18 a.m. and showed a location near Lexington, Michigan. ZEHNDER, MV-1, and MV-2 all resided in the Eastern District of Michigan and ZEHNDER began his travels with each minor from this district.

11. A review of a Michigan Department of Health and Human Services report related to this incident revealed ZEHNDER returned MV2 to Michigan and picked up MV1 to accompany him out of the state.

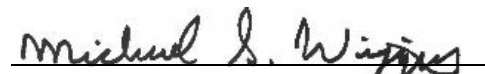
12. A dispatch report obtained from Decker Trucking showed ZEHNDER picked up a load in Wichita, Kansas on August 2, 2019, at 2:30 p.m. The report indicated the load was delivered in Dodge City, Kansas on August 5, 2019. Cunningham, Kansas, is situated between Wichita and Dodge City. The report also shows ZEHNDER was in Colorado on August 1, 2019, and in Iowa on July 13, 16, 17, 18, 20, 21, and 24, 2019, and August 6, 7, 8, 9, 12, and 14, 2019.

13. Under the laws of the State of Iowa, Chapter 709, digital penetration of MV2's vagina by ZEHNDER would constitute criminal offenses. Under the laws of the State of Colorado, Section 18-3-405, touching of MV2's vagina by ZEHNDER would constitute a criminal offense.

14. Based upon the foregoing information, it is my opinion that probable cause exists that ZEHNDER has violated Title 18 U.S.C. §2423(a) (Transportation with intent to engage in criminal sexual activity).

15. I, Special Agent Michael S. Wiggins, Federal Bureau of Investigation, being duly sworn according to law, hereby state that the facts stated in the foregoing affidavit are true and correct to the best of my knowledge, information and belief.

Respectfully submitted,


Michael S. Wiggins, Special Agent
Federal Bureau of Investigation
Flint, Michigan

Sworn to before me and signed in my presence
and/or by reliable electronic means.


HON. ANTHONY P. PATTI
UNITED STATES MAGISTRATE JUDGE

Date: September 14, 2020